

EXHIBIT 749-F-1-15-B
U.S. DIST. COURT, WESTERN DIST. OF OKLA.
11/5/18

CONED

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

FILED

NOV 08 2018

RICHARD GLOSSOP, et. al.,

PLAINTIFFS,

vs.

KEVIN J. GROSS, et. al.,

DEFENDANTS.

CARMELITA REEDER SHINN, CLERK
U.S. DIST. COURT, WESTERN DIST. OKLA.
BY KR, DEPUTY

CASE NO. CIV-14-668-F

CAPITAL CASE

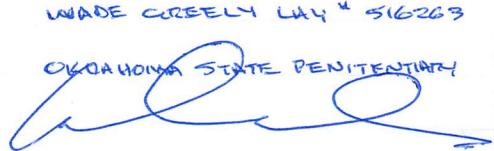
PURSUANT TO FED. R. CIV. P. 18, 19, AND 20, DEATH ROW PRISONER
MADE LAY MOTIONS THIS COURT (UNITED STATES DIST. JUDGE
STEPHEN P. FRIOU) WITH A "JOINDER OF CLAIMS" AND "REQ-
URED JOINDER OF PARTIES" FEASIBILITY CLAIM.

(WITH BRIEF IN SUPPORT)



MADE CREELEY LAY # 516263

OKLAHOMA STATE PENITENTIARY



DATE: 10/31/2018

Sherry Day

PRO-SC

P.O. BOX 97

MCALISTER, OKLAHOMA 74602

IN DOC. NO. 260, FILED 10/16/2015 PAGE 2 OF 3, THIS COURT ORDERS,

THAT:

"IT WOULD BE IN THE INTEREST OF JUDICIAL ECONOMY AND CONNITY FOR THE OKLAHOMA ATTORNEY GENERAL NOT TO SEEK AN EXECUTION DATE FROM THE OKLAHOMA COURT OF CRIMINAL APPEALS FOR ANY OF THE PLAINTIFFS OR ANY OTHER CONDEMNED PRISONERS UNTIL AFTER COUNSEL FOR PLAINTIFFS ARE PROVIDED THE FOLLOWING: (EMPHASIS ADDED).

(a) NOTICE THAT INVESTIGATIONS, KNOWN TO THE OFFICE OF THE ATTORNEY GENERAL, BY ANY LOCAL, STATE, OR FEDERAL AUTHORITIES RELATED TO EXECUTION PROCEDURES OF THE OKLAHOMA DEPARTMENT OF CORRECTIONS HAVE BEEN CONDUCTED;

(b) THE RESULTS, TO THE EXTENT THEY ARE PUBLIC, OF THE INVESTIGATIONS REFERENCED ABOVE IN (a);

(c) NOTICE AND COPIES OF AMENDMENTS, IF ANY, TO "EXECUTION OF OFFENDERS SENTENCED TO DEATH," OP-040301, EFFECTIVE DATE JUNE 30, 2015 ("PROTOCOL"); AND

(d) NOTICE THAT THE OKLAHOMA DEPARTMENT OF CORRECTIONS WILL BE ABLE TO COMPLY WITH THE EXPRESS TERMS OF THE PROTOCOL."

GIVEN THE GRAVAMEN OF THIS CASE, CONSIDERING THE FACT THAT THIS COURT HAS ALREADY RECOGNIZED WADE LAY AS A PARTY OF INTEREST,

ie, "any other condemned prisoner[)". (SEE EXHIBIT 750-A). FED. R. CIV. P.

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RULE 19(a)(1) CLEARLY INCLUDES WADE LAY WITHIN THE PARAMETERS OF THIS "EXECUTION OF OFFENDERS SENTENCED TO DEATH" PROCESS, AND "SUBJECT MATTER JURISDICTION", EQUAL TO THE NAMED PLAINTIFFS IN *GLOSSIP V. GROSS*. HOWEVER, THE IMPERATIVE LIES IN 1(h), (B), (i) AND (ii) OF RULE 19(a), THAT, WADE LAY "MUST BE JOINED AS A PARTY IF:

(A) "IN THAT PERSON'S ABSENCE, THE COURT CANNOT ACCORD COMPLETE RELIEF AMONG EXISTING PARTIES; OR

(B) "THAT PERSON CLAIMS AN INTEREST RELATING TO THE SUBJECT OF THE ACTION AND IS SO SITUATED THAT DISPOSING OF THE ACTION IN THE PERSON'S [WADE LAY'S] ABSENCE WOULD:

" (i) AS A PRACTICAL MATTER IMPAIR OR IMPEDE THE PERSON'S ABILITY TO PROTECT THE INTEREST; OR

" (ii) LEAVE AN EXISTING PARTY SUBJECT TO A SUBSTANTIAL RISK".

IN THIS MATTER THE SEVERITY IS HEIGHTENED TO THE PLAINTIFF'S INTEREST AND RISK, BEYOND FINANCIAL OBILICATIONS OR LOSS, THE VALUE AND INTEREST IS THE PERSON OR PARTIES LIFE. WADE LAY IS SO SITUATED AS THE FACTS SHOW, TO BE BY THE W.D. COURT'S ADMISSION,

A PARTY OF INTEREST, AS ANY OTHER CONDEMNED PRISONER; AND "AS A PRACTICAL MATTER" PENDING LITIGATION PRESENTLY IN THE UNITED STATES SUPREME COURT, i.e., *Hay v. Oklahoma Dept. of Corrections*, (CN-17-1224-D); NO. 18-6024 (10TH CIR. 2018); CERTIORARI NO. 18-4404; AND *Hay v. United States*, (CN-18-1397-RAW); NO. 18-7035 (10TH CIR. 2018) ALSO PENDING OR CERTIORARI FILED AT OKLAHOMA STATE PENITENTIARY (O.S.P.), ON 10/19/2018, EACH PARTY SO CONSTITUTED i.e., "SENTENCED TO DEATH", BEARS A SIGNIFICANT INTEREST IN THE ABOVE STATED PARALLEL CASES PENDING IN THE U.S. SUP. CT.

IT IS UNDENIABLE WHADE LAY ASSERTS RIGHTS SEEKING RELIEF JOINTLY, OR IN COMMON WITH THE OTHER PLAINTIFFS, AND SEVERALLY WITH DISTINCT AND SPECIFIC FACTS CAUSED BY UNIQUE CIRCUMSTANCES WHICH CREATE ALTERNATIVE CLAIMS TO ALL THE PLAINTIFFS ARISING

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OUT OF THE SAME CAUSE OF ACTION, TRANSACTIONS AND OCCURRENCES.

MOREOVER, THE SAME QUESTIONS OF LAW OR FACT COMMON TO

ALL PLAINTIFFS HAS ARISEN IN THIS ACTION WITH THE FACTS OF THE

PARALLEL CASES CONSIDERED. IT IS INCONSISTENT UPON THIS COURT

TO RECOGNIZE WADE LAY AS CO-PLAINTIFF, GIVEN THE DYNAMIC OF

Glossip v. Gross, et. al., AND THE RELEVANT FACTS HIS PARALLEL LITIGATION

BRIDES TO THE OTHER PLAINTIFFS AND THE EFFECT OF THE JOINDER

OF WADE LAY TO ALL PARTIES.

WHEN (d), PARAGRAPH² IS CONSIDERED, i.e. "NOTICE THAT THE OKLAHOMA
DEPARTMENT OF CORRECTIONS WILL BE ABLE TO COMPLY WITH THE EXPRESS

TERMS OF THE PROTOCOL", AS IT RELATES TO (c), i.e., "AMENDMENTS"; PARAGRAPHS,

NUMBERS 3, 4, AND 5 ARE DEEPLY EFFECTED, IN LIGHT OF THE FACTS BEING

CONSIDERED in *Lay v. O.D.O.C., et. al.*, 18-1404; AND *Lay v. United*

States, 18-139-RAWN; NO. 18-7055 (10TH CIR. 2018); PENDING IN THE U.S. SUP. CT.

ON CERTIORARI, FILED AT O.S.P. ON 10/19/2018, IN *Lay v. O.D.O.C.*

CERT. NO. 18-1404, ON PAGES 1 & 2, TO JUSTICE SOTOMAYOR ~~WAD~~ WRITES:

"ON NOVEMBER 13, 2017, WADE LAY FILES *Lay v. O.D.O.C., LCN-17-1224-D*, BUT OKLAHOMA STATE PENITENTIARY DEPRIVES WADE LAY HIS ABSOLUTE RIGHT TO ACCRUE *in-former-occupancy*, AND THE PRISON DEPRIVES PETITIONER OF BASIC PROCESS TO PAY THE \$400⁰⁰ FILING FEE FETER THE U.S.D.C. (W.D./OK.), DENIES *i.f.p.* DUE TO THE PLAINTIFF HAVING OVER \$400⁰⁰ IN HIS TRUST FUND ACCOUNT.

"WADE LAY PLEADS TO THE W.D. COURT, THAT, BECAUSE OF ABUSE OF PROCESS, AND MALICIOUS PROCESS, LAY WILL NOT BE ABLE TO DEPEND ON O.S.P. TO PAY THE FILING FEE OUT OF HIS TRUST FUND ACCOUNT, AND THE DISTRICT COURT SHOULD ORDER THE FEE TO BE PAID, THE U.S.D.C. W.D./OK. DENIES THE MOTION, AND WADE LAY APPEALS TO THE TENTH CIRCUIT COURT OF APPEALS."

PRESENTLY PENDING IN THIS COURT IS EVIDENCE OF A CONSPIRACY BETWEEN

PRISON OFFICIALS AND FEDERAL JUDGE DEGIUSTI AND U.S. MAGISTRATE JONES,

AN ILLEGAL PAYMENT OF THE FILING FEE OF \$400⁰⁰, THE DEPRIVATION OF SUCH

PROCESS CAUSED THE APPEAL. FEDERAL DIST. JUDGE FROST WILL SEE PERTINENT

FACTS CRUCIAL TO INTEGRITY OF THE INVESTIGATIONS AND LEGITIMACY OF THE

RESULTS, THE LIVES OF WHICH ARE TO BE MADE PUBLIC, AS

ORDERED. (SEE ITEM NO. 2 (C) AND (B), PG. 2 OF 3 OF DKT# 260, ALSO
ENCLOSED AS EXHIBIT 150 - A).

BECAUSE INVESTIGATIONS, RESULTS, AND NOTIFICATION OF "EXECU-

TION PROCEDURES", AND/OR "PROTOCOL", TITLED AS: "EXECUTION OF

OFFENDERS SENTENCED TO DEATH," OP-040301, [O.D.O.C. POLICY REGU-

TIONS)] EFFECTIVE DATE JUNE 30, 2015 ("PROTOCOL"); (SEE ITEM 2 (C))

IS FOLLOWED BY 2(d), I.E., "NOTICE THAT THE OKLAHOMA DEPARTMENT

OF CORRECTIONS WILL BE ABLE TO COMPLY WITH THE EXPRESS TERMS OF THE

PROTOCOL", INCLUDES THE EXECUTION OF WADE LAY; THE FACTS THAT

HAVE EMERGED OUT FROM MULTIPLE CIVIL ACTIONS INVOLVING LEGITI-

IMATE CLAIMS OF COLLUSION BETWEEN FEDERAL AND STATE ACTORS,

BRINGS INTO QUESTION THE UNIMPAIRED INTEGRITY AND DISCRETION

OF THIS COURT.

THE HEART OF THE MATTER IS FOUND IN WADE LAY'S *In re*
FILING IN *Lay v. O.D.O.C.*, 18-A-404, FILED AS CERTIORARI ON 10/12/
2018, TO THE HONORABLE Justice Sonia Sotomayor; NO. 18-6024 (NOTTH CIR.
2018); D.C. (CIV-17-1224-D). FEDERAL DISTRICT JUDGES JONES AND
DEGIUSTI HAVE INVOLVED THEMSELVES IN A CONSPIRACY WITH
OKLAHOMA STATE PENITENTIARY (O.S.P.) PRISON OFFICIALS, ILLEG-
ALLY COLLECTING \$400⁰⁰ FROM WADE LAY'S TRUST FUND ACCOUNT,
AND SENDING IT TO THIS W.D. COURT FOR THE PURPOSE, TO PROVIDE OPP-
ORTUNITY TO JUDGE JONES THE MAGISTRATE, TO REQUIRE JURISDI-
CTION IN A CASE WHERE A LAWFUL APPEAL TO THE SUPREME
COURT IS ACTIVE.

USA WESTBTT, CLERK OF THE U.S. SUP. CT., AND CASE ANALYST
IN *Lay v. O.D.O.C.*, 18-A-404, ALSO A RESPONDENT IN *Lay v.*
United States, (CIV-18-139-RMW); 100.18-1055 (NOTTH CIR. 2018); ALSO PENDIN

ON CERTIORARI BEFORE THE U.S. SUP. CT., FILED 10/19/

2018, AT O.S.P., HAS REPEATEDLY ON NUMEROUS OCCASIONS

DEPRIVED LAY OF HIS LAWFUL RIGHT TO APPROACH THE

U.S. SUPREME COURT, AND NO DEFIANT SHE STANDS READY

TO RENDER THE CERTIORARI PETITION MOOT, IN RESPONSE

TO THE ILLEGAL USURPATION OF JONES AND DECLOUSTI.

(SEE DKT# 45, Lay V. O. O. C., 17-1224-D, ENCLOSED AS ATTACHMENT).

THE EVIDENCE OF THIS CONSPIRACY IS OVERWHELMING,

AND THE FINANCIAL RECORDS THAT REVEAL THE THEFT OF

THE \$ 400.00 ARE FILED IN THE U.S. SUP. CT., AS PART OF

THE CERTIORARI PETITION, ALONG WITH IDENTICAL CLAIMS

OF JUDICIAL TURPITUDE AND COLLUSION. IT IS

HARD TO IMAGINE, IN A CASE SO SUSCEPTABLE TO

PUBLIC OPINION, JUDGE FRIDT WOULD IGNORE HIS OWN

RELING " TO THE EXTENT (THE RESULTS) ... ARE MADE
PUBLIC, OF THE INVESTIGATIONS REFERENCED ABOVE IN
(a) " THAT WADE LAY'S CIRCUMSTANCES COULD BE EXC-
LUDED FROM THAT EQUATION !

WADE LAY PROMOTES TO THIS COURT, AND TO ALL THE OTHER
PLAINTIFFS, TO INCLUDE " ANY OTHER CONDEMNED PRISONERS ",
AND THEIR COUNSEL, THAT: " THE OKLAHOMA DEPARTMENT OF
CORRECTIONS WILL [NOT] BE ABLE TO COMPLY WITH THE EXPRESS
TERMS OF THE PROTOCOL ", AS DEEMED NECESSARY IN ITEM 2(d)
OF DKT* 260 OF THE ABOVE TITLED CASE. DKT* 59, OF Lay V.

Crt.L., (CIV-18-09-JHP-515), PRESENTLY PENDING IN THE O.S.D.C.

ED /OK, PROVIDES DOCUMENTARY EVIDENCE, THAT THE O.S.D.C.

ALTERS DOCUMENTS, CREATES FRAUDULENT DOCUMENTS, AND CONSPIRES
WITH O.S.D.P. PRISON OFFICIALS TO DEFRAUD COURTS, AND PUNISH

PRISONERS WHILE PROTECTING MALFAVOR OF PRISON OFFICIALS.

ADDITIONALLY, *Loy V. Orman, I*, (CV-15-170-FBS-SPS); WITH *Loy V. Orman, II*, (CV-15-470-JHP-SPS); DKT# 6, OF *Loy V. Orman, I*, ALSO

THE FEDERAL RECORDS OF *Loy V. Orman, I & II*, LEGITIMIZES WADE LAY'S

CLAIMS THAT ARE SO PREVALENT THROUGHOUT THE SEVERAL CIVIL

ACTIONS FILED IN BOTH THE U.S.D.C. E.D. OK., AND THE U.S.D.C. W.D./

OK., MOREOVER, THE RELEVANCE OF THESE CLAIMS TO THIS CASE, IS

FOUND IN *Loy V. O.D.O.C.*, 18-A-404, PRESENTLY BEFORE Justice Sonia

Sotomayor.

WADE LAY HAS ALREADY FILED HIS PETITION JUSTIFYING THE EXTRAORDI-

NARY CIRCUMSTANCES WITH CLAIMS OF COLLUSION BETWEEN FEDERAL

DIST. JUDGES, THE O.D.O.C., AND O.S.P., AS STATED IN THIS PLEADING,

AND LAY'S IN RE FILING TO THIS COURT, IN HIS RESPONSE TO THE

F.N. 8

)SEE EXHIBIT 74B-, THE E.D. COURT DISMISSES *Loy V. Orman, I*, UNDER PRETENSE THE INITIAL
FILING FEE WAS NOT PAID. THIS IS FALSE! AND IN *Loy V. Orman, II*, THE E.D. COURT ALLEGELY
REFUNDS OVER \$6000 OF FILING FEES, CONSPIRING WITH THE PRISON TO INJURE THE PLAINTIFF.

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ILLEGAL ENCROACHMENT OF JUDGES JONES AND DEGIUSTI WITH

DOC# 45 OF MAY V.O.O.C., IT-1224-D, AND THE ILLEGAL ^{\$}400.00

PAYOUT SET BY PRISON OFFICIALS AT O.S.P..

THEREFORE, THE CO-PLAINTIFFS IN THE ABOVE TITLED CASE,

AND THE PUBLIC, HAVE A RIGHT TO KNOW, THAT THE FUNDAMENTAL

PART OF THIS COURT'S CRITERION SET IN ITEM 2(a),(b)(c),

AND (d), OF DOC. NO. 260, IN *Richard Glossip, et al., v. Kevin*

Gross, et. al., (CV-14-665-F), CANNOT BE SATISFIED, AS DICTATED

BY THIS COURT.

EACH PLAINTIFF, AND EVERY OTHER PRISONER HAVING A TENTATIVE

EXECUTION DATE THAT WILL BE SOUGHT FOR BY THE OKLAHOMA

ATTORNEY GENERAL, (SEE ITEM NO. 3, OF DOC. NO. 260)¹ 150 DAYS

AFTER PLAINTIFFS ARE PROVIDED THE INFORMATION DESCRIBED

IN (a),(b),(c), AND (d) ABOVE", IS "A PERSON WHO IS SUBJECT

"TO SERVICE OF PROCESS", IN THE SAME MANNER AS WADE LAY,
"WHOSE JOINDER WILL NOT DEPRIVE THE COURT OF SUBJECT MATTER
JURISDICTION"; BUT TO THE CONTRARY, IN WADE LAY'S ABSENCE,
"THE COURT CANNOT ACCORD COMPLETE RELIEF AMONG EXISTING
PARTIES". (SEE FED. R. CIV. P. 19).

IT IS UNDENIABLE, THAT WADE LAY BEARS A SUBSTANTIAL INTEREST

"RELATIVE TO THE SUBJECT OF THE ACTION AND [THAT HE] IS SO

SITUATED THAT DISPOSING OF THE ACTION IN THE PERSON'S [WADE

LAY'S] ABSENCE", WILL "LEAVE [] [THE] EXISTING PARTIES SUBJECT

TO SUBSTANTIAL RISK". (SEE FED R CIV. P. 19 (a)(1)(B)). IT IS ALSO

OBVIOUS THAT WADE LAY'S INTEREST "RELATIVE TO THE SUBJECT

OF THE ACTION" OF THIS CASE, WHEREIN THIS COURT ADMITS

ITS INVOLVEMENT; WADE LAY IS ABSOLUTELY "IMPAIRED" OR

*
"IMPEDED" [IN HIS]... ABILITY TO PROTECT THE INTEREST" HE SHARES,

Fifth

f) SEE FED. R. CIV. P. 19(a)(1)(B)(i)

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AND HIS PARALLEL CASES, i.e., *Hay v. O.D.O.C.*, LCN-17-0224-D; NO. 18-6024 (10TH CIR. 2018); *SERTIORATI* (NO. 18-4404; WITH *Hay v. C.T.L.*, LCN-18-09-148-SPS); AND *Hay v. United States*, LCN-18-159-RAW; NO. 18-7035 (10TH CIR. 2018); ALSO PENDING IN THE U.S. SUP. CT., FILED AT U.S.D., (FILED 10/19/2018), SEEKS TO PROSECUTE THE CONDITION AS THAT AUTOMATICALLY CREATED BY CONGRESS IN 28 USC § 2244(d)(1)(B), AND 2255(f)(2).

FEDERAL RULES OF CIVIL PROCEDURE, RULE 19(b) IN ITS FACTORS OF CONSIDERATION, i.e., FED. R. CN. P. (b)(1), (2), AND (3), DECLARES UNAID LAW'S JOINDER AS FEASIBLE, AND A CONSIDERATION OF THE CLAIMS NAMED ABOVE IN THIS PLEADING, AND THE PARALLEL CASES NAMED IN THIS PLEADING, IN A CAPITAL CASE, ARE INAPPROPRIATE TO THE NATURE OF THE CASE, AND ITS CAUSE OF ACTION.

IN CONCLUSION, UNAID LAW FILED IN *Hay v. O.D.O.C.*, LCN-18-481-RAW-

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SPS); NO. 15-7023 (10TH CIR. 2015), Dkt# 53, PERTINENT INFORMATION SURROUNDING THE EXECUTION OF INMATE'S LOCKET AND WARDER), PERTAINING TO SPECIFIC ACTIONS OF O.S.P. PRISON OFFICIALS ON THE DAY MR. LOCKET WAS EXECUTED, THAT WADE LAY WITNESSED PERSONALLY, AND A CONVERSATION HE SHARED WITH MR. LOCKET THAT SAME MORNING. THE INFORMATION CONTAINED IN THE CIRCUMSTANCES SURROUNDING THESE EVENTS AND CIVIL ACTIONS WILL BE SHARED WITH THE UNITED STATES SUPREME COURT. IT IS INCONVENT ON THIS COURT TO ADDRESS THESE ISSUES, IN THE INTEREST OF JUSTICE, IN A CAPITAL CASE.



RESPECTFULLY SUBMITTED


WADE LAY, AT O.S.P.

P.O. Box 97

MCALISTER, OKLA. 74502

Sherry Day

10/31/2018